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DATE MAILED: 08/22/2008

### NOTICE OF ALLOWANCE AND FEE(S) DUE

20457 7590 08/22/2008

ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARI INGTON VA 22209-3873 EXAMINER
BIDWELL, JAMES R

ART UNIT PAPER NUMBER
2651

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/554,221	07/13/2006	Michael Bang	900.45540X00	9329	

TITLE OF INVENTION: APPARATUS FOR A SORTING SYSTEM AND METHOD FOR SORTING

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	11/24/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION NOT THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

#### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and I/2 the ISSUE FFE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

#### PART B - FEE(S) TRANSMITTAL

# Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where

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CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)				Note: A certificate of mailing can only be used for domestic mailings of th Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, mus have its own certificate of mailing or transmission.					
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1300 NORTH S SUITE 1800	TERRY, STOUT EVENTEENTH ST			I herel States addres transm	by certify that the Postal Service was sed to the Mail mitted to the USP	is Fec( vith sul l Stop TO (57	s) Transmittal is being ficient postage for firs ISSUE FEE address I) 273-2885, on the de	deposito t class m above, c ate indica	ed with the United sail in an envelope or being facsimile ated below.
ARLINGTON,	VA 22209-3873								(Depositor's name)
									(Signature)
			l						(Date)
APPLICATION NO.	FILING DATE		FIRST NAMED INVENT	FOR		ATTORNEY DOCKET NO. CONFIRMATION			RMATION NO.
10/554,221	07/13/2006	•	Michael Bang				900.45540X00		9329
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BIDWELL		3651	198-370010						
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PLEASE NOTE: Un recordation as set fort (A) NAME OF ASSI	less an assignee is ident th in 37 CFR 3.11. Comp GNEE	A TO BE PRINTED ON ified below, no assignee pletion of this form is NO	data will appear on th T a substitute for filing (B) RESIDENCE: (C	e pate an as: ITY a	ent. If an assign signment. and STATE OR C	OUNT	RY)		
Please check the appropr	riate assignee category or	categories (will not be p	rinted on the patent):	<b>U</b> 15	ndividual 🖵 Co	orporati	on or other private gro	up entity	Government
4a. The following fee(s)  Issue Fee	are submitted:	4	b. Payment of Fee(s): (		first reapply ar	ny prev	riously paid issue fee :	shown al	bove)
	No small entity discount	permitted)	A check is enclosed Payment by credit		Form PTO-2038	is atta	ched.		
Advance Order -			The Director is her overpayment, to D	reby a	uthorized to char t Account Numbe	ge the	required fee(s), any det (enclose a	ficiency,	or credit any opy of this form).
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			ART UNIT	PAPER NUMBER		
SUITE 1800 ARLINGTON, V.	A 22209-3873		3651 DATE MAII ED: 08/22/200	8		

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 203 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 203 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

#### Application No. Applicant(s) 10/554,221 BANG, MICHAEL Notice of Allowability Examiner Art Unit James R Ridwell 3651 -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. This communication is responsive to 07/02/2008. 2. The allowed claim(s) is/are 12,14,16,18,20,22,24,26,28,30,32,34,35,37,39-41 and 43-45. 3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). b) ☐ Some\* c) ☐ None of the: a) 🔯 All 1. A Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). \* Certified copies not received: \_\_\_\_\_. Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) to Paper No./Mail Date (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. | Notice of References Cited (PTO-892) 5. Notice of Informal Patent Application 2. Notice of Draftperson's Patent Drawing Review (PTO-948) Interview Summary (PTO-413), Paper No./Mail Date Information Disclosure Statements (PTO/SB/08). 7. X Examiner's Amendment/Comment Paper No./Mail Date 4. T Examiner's Comment Regarding Requirement for Deposit 8. T Examiner's Statement of Reasons for Allowance of Biological Material □ Other . /James R Bidwell/ Primary Examiner, Art Unit 3651

Application/Control Number: 10/554,221

Art Unit: 3651

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In the second line of claim 40, "15" has been changed to -45--.

In line 3 of claim 40 after "comprising:" the following has been added: —the items are either weighed and/or quality/type graded before being placed on the conveyor, or weighed and/or quality/type graded on a first part of the conveyor; the items pass the sensors placed above or along the conveyor; the sensors register the size and/or lateral and longitudinal position of the items on the conveyor, and at a same time, the sensors provide a control signal to the control unit of the apparatus; before the items reach the discharge arm, the discharge arm is turned from a passive position to an active angular position in relation to the conveying direction of the conveyor; and the discharge arm leads the items to a predetermined discharge position along the side of the conveyor.—

Authorization for this examiner's amendment was given in a telephone interview with Donald E. Stout on 08/18/2008.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Bidwell whose telephone number is (571)272-6910.

Application/Control Number: 10/554,221

Art Unit: 3651

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford, can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/James R Bidwell/
Primary Examiner, Art Unit 3651
08/19/2008